

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Electronic Health Records Incentive Payments
Inclusion of Optometrists (LAC 50:I.12501)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:I.2501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The American Recovery and Reinvestment Act (ARRA) of 2009 authorized 100 percent federal financial participation to states for the purpose of establishing incentive payments to encourage Medicaid health care providers to adopt, implement, and use certified electronic health records (EHR) technology. In compliance with the directives of ARRA, the Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to establish Medicaid incentive payments to qualifying professional practitioners and hospitals that adopt, implement, or upgrade certified EHR technology (*Louisiana Register*, Volume 36, Number 12).

The department promulgated an Emergency Rule which amended the provisions governing the EHR Incentive Payments Program to include optometrists as eligible professionals who may qualify to receive incentive payments (*Louisiana Register*, Volume 38, Number 9). This Emergency Rule is being promulgated to continue the provisions of the October 1, 2012 Emergency Rule. This action is being taken to secure new and enhanced federal funding, and to expand provider participation in the EHR Incentive Payment Program.

Effective January 30, 2013, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Electronic Health Records Incentive Payment Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 13. Electronic Health Records

Chapter 125. Incentive Payments

§12501. General Provisions

A. ...

B. The following providers may qualify to receive Medicaid incentive payments:

1. - 5. ...

6. optometrists;

7. acute care hospitals, including cancer and critical access hospitals; and

8. children's specialty hospitals.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2865 (December 2010), amended LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1301#098